

PHILLIP A. TALBERT
United States Attorney
DAVID L. GAPP
Assistant United States Attorney
2500 Tulare Street
Suite 4401
Fresno, California 93721
Telephone: (559) 497-4000
Facsimile: (559) 497-4099

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TODD MUMMA,

Defendant.

CASE NO. 1:20-CR-00168 JLT-SKO
STIPULATION TO NEW TRIAL DATE

PROPOSED DATE: March 5, 2024
TIME: 8:30 am
COURT: Hon. Jennifer L. Thurston

STIPULATION

This case is currently set for a jury trial scheduled to begin October 11, 2023. As noted below, the parties have discussed the case and agreed to delay the start of the trial until March 5, 2024, at 8:30 a.m. Accordingly, Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter has been scheduled for a trial set to begin on October 11, 2023.
2. By this stipulation, the parties have agreed to a continuance of the trial date to March 5, 2024, with a trial confirmation and motions hearing date of February 13, 2024. The parties also have agreed to exclude time under the Speedy Trial Act through the start of the trial on March 5, 2024, based on 18 U.S.C. § § 3161(h)(1)(D), (h)(7)(A), (h)(7)(B)(i) and (iv).

1 3. In part, the request is based on the government's case agent going on extended medical
2 leave in August 2023 that will continue into early October 2023. The need for that leave was not
3 anticipated at the time when the current trial date was selected. Given her familiarity with the case, it
4 would be extremely difficult for the government to be fully prepared for the trial by relying on
5 assistance from an agent not familiar with the investigation.

6 4. In part, the request is based on the defendant retaining additional counsel at the end of
7 August 2023 who is still reviewing discovery that has been provided. The defense anticipates that new
8 counsel will also need to review other discovery that is being made available at the Fresno Homeland
9 Security Investigations office. New (additional) counsel was also retained for the purpose of advising
10 the defendant whether he should proceed with the currently-scheduled trial.

11 5. Based on this stipulation, the parties request that the Court issue the attached proposed
12 order.

13 IT IS SO STIPULATED.

14
15 Dated: September 5, 2023

PHILLIP A. TALBERT
United States Attorney

16 /s/ David L. Gappa
17 David L. Gappa
Assistant United States Attorney

18
19 Dated: September 5, 2023

20 /s/ Dan Bacon
21 Dan Bacon
Counsel for Defendant
TODD MUMMA

ORDER

Based upon a review of the parties' stipulation filed on September 5, 2023, and the record of this case:

IT IS HEREBY ORDERED that the hearing on motions and trial confirmation for this case be scheduled for February 12, 2024, at 10:00 am.

IT IS FURTHER ORDERED that the trial in this case be scheduled to begin on March 5, 2024, at 8:30 a.m.

IT IS FURTHER ORDERED that the time period between October 11, 2023, through March 5, 2024, inclusive, is deemed excludable under 18 U.S.C. § § 3161(h)(1)(D), (h)(7)(A), (h)(7)(B)(i) and (iv) because it results from a continuance granted by the Court at the parties' request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.

IT IS SO ORDERED.

Dated: **September 5, 2023**


UNITED STATES DISTRICT JUDGE